

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

KENNETH E. KADZIAUSKAS ET AL.

Title: METHOD FOR CONTROLLING
FLUID FLOW TO AND FROM AN EYE
DURING OPHTHALMIC SURGERY

Serial No.: 10/692,832

Filed: October 24, 2003

Group Art Unit: 3763

Examiner: Theodore J. Stigell

Confirmation No. 9263

TERMINAL DISCLAIMERMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Joseph K. Liu, represent that I am a patent attorney of record for this invention.

The extent of interest in this invention for which this disclaimer is being made is in the whole of this invention.

This invention is assigned to Advanced Medical Optics, Inc. of Santa Ana, California. The assignment was recorded on reel 016627, frame 0794.

Advanced Medical Optics, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory period of United States Patent Nos. 7,018,355, 6,899,694, and 7,001,356, as presently shortened by any terminal disclaimer, and hereby agrees that any

patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 7,018,355, 6,899,694, and 7,001,356, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Advanced Medical Optics, Inc. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent Nos. 7,018,355, 6,899,694, and 7,001,356, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

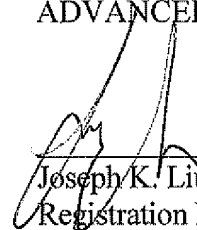
Any patent granted on this application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent Nos. 7,018,355, 6,899,694, and 7,001,356, which formed the basis for the double patenting rejection in the present application.

Commissioner is hereby authorized to charge \$130.00 (large entity) to cover the fee under 37 CFR §1.20(d) to Deposit Account No. 502317.

Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this application to Deposit Account 502317.

Respectively submitted,
ADVANCED MEDICAL OPTICS

Date: November 28, 2007



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